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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,917	12/23/2005	Kare Stafset	207,382	3685
38137 7590 07/24/2008 ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017				
EXAMINER				
AFTERGUT, JEFF H				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
07/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,917

Applicant(s)

STAFSET, KARE

Examiner

Jeff H. Aftergut

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-26 is/are allowed.
- 6) ☒ Claim(s) 15, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 16, 17 and 20-22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 5-24-2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Specification

1. The disclosure is objected to because of the following informalities: The specification makes reference to various claims throughout the specification. Since the claim numbering can change during prosecution and in final form, it is inappropriate for applicant to reference the claims in the specification. It is suggested that reference to the claims be removed from the disclosure at page 3, line 2, page 3, line 13, page 3, line 33 and page 4, line 6. On page 3, line 24, applicant makes reference to a "gig". It is suggested that this be changed to --jig-- for clarity sake as this appears to be what applicant is referring to. Similar changes are necessary with reference to the word "gig" or "gigs" on page 5, lines 10 and 14.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18, line 2 refers to a "gig" in the tightening operation. Such is not clear and concise as it would appear applicant is really referring to a --jig-- and not a "gig". Correction is required. Note that claim 19 depends upon claim 18.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rubenstein in view of any one of Meyer, Kaplan or Woltron.

Rubenstein et al suggested that it was known to form a bundle of continuous fibers about a pair of supports 8 followed by application of an envelope about the so arranged filaments. Applicant is referred to column 19, line 49-column 20, line 27. Note that the reference to Rubenstein suggested that the filaments included preimpregnated filaments which had been wetted with resin prior to the winding operation. the reference additionally suggested that over the wound assembly one applied a packaging material which enveloped the wound assembly wherein the envelope included a plastic tube or foil which was disposed over the wound assembly. the reference failed to expressly state that the wound assembly was formed with a rotational plate having holding means thereon about which the fibers were wound.

The references to any one of Woltron, Meyer or Kaplan suggested that one would have wound fibers between supports which were disposed upon winding form which included a rotational plate. More specifically, Woltron suggested that a take up unit (plate 27) which carried supports 28 was rotated in order to facilitate the winding of the filaments about the supports 28. The reference to Meyer suggested a pair of

supports 23 about which the filaments were wound and wherein the supports were mounted upon plates 21 which were rotated to take up the filamentary material in the winding operation. The reference to Kaplan suggested a plate 15 which supported pins 13 which plate 15 was rotated in order to take up filaments upon the support. As it would have provided a suitable means for taking up the filamentary material in Rubenstein, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the winding forms of any one of Kaplan, Meyer, or Woltron in the operation to wind the material in Rubenstein prior to enveloping the same in accordance with the teachings of Rubenstein.

Allowable Subject Matter

6. Claims 16, 17, 20-22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In claim 16, the claim requires that the enveloping comprising winding upon the reeled fibers to envelope the same. This is not suggested by the prior art and in particular Rubenstein suggested only to envelope the material by slipping a tube of plastic or foil material or otherwise disposing the same over the fibers but failed to suggest a winding means for application of the envelope. Regarding claim 17, the prior art to Rubenstein failed to teach that one skilled in the art would have knitted a thread about the group of longitudinal threads therein and merely applied the envelope in the form of a tube fitted over the same.

7. Claims 18 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Note that these claims depend upon claims 16 and 17 which have been identified as allowable as discussed above.

8. Claims 23-26 are allowed.

In claim 23, the claim requires that one not only include a rotational plate with holding means for the longitudinally disposed fibers therein but also requires at least one winding appliance for wind in a helical form material about the longitudinal threads which is not suggested by Rubenstein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/
Primary Examiner
Art Unit 1791

JHA
July 21, 2008